

REMARKS

Claims 1-5, 7-15, 20-28, 30-32 35-38, 42-44, and 47-59 remain pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §112

Claims 21-26 and 47-49 stand rejected under 35 U.S.C. §112, second paragraph for failing to provide antecedent basis for the term "exit." Accordingly, independent claim 21 has been amended to provide such antecedent basis. As such, Applicant respectfully requests withdrawal of the §112 rejection of claims 21-26 and 47-49.

Claim Rejections-35 U.S.C. §102

Koblish

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent Publication No. 2001/0020174 ("Koblish"). Applicant respectfully traverses this rejection, since Koblish does not disclose each and every element required by these claims.

In particular, independent claim 1 requires the lumen to have an exit port out which the inner probe body can extend within the interior space defined within the open architecture of the distal ablative structure. In contrast, although Koblish discloses the use of a guidewire 136 that exits through a lumen in the outer probe body, the guidewire 136 clearly does not extend within the interior space defined within the open architecture of the helical structure.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2, 4, and 5), are not anticipated by Koblish, and as such, respectfully request withdrawal of the §102 rejection of these claims.

Bowe

Claims 1, 7, 8, 14, 15, 20, 27, 28, 30-32, 35-38, 42-44, and 54 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,771,996 ("Bowe"). Applicant respectfully traverses this rejection, since Bowe does not disclose each and every element required by these claims.

In particular, while Applicant agrees with the Examiner that Bowe discloses the use of "different sized arcs and tendons to adjust the sizes of the arcs," Applicant disagrees that Bowe discloses that this adjustment would allow the ablative elements to be positioned within the pulmonary vein. Significantly, prior to mentioning this, Bowe discloses that the "arc of the ablation catheter 82 is sized to fit around all or part of a vein ostium while the arc of the mapping catheter 110 is sized to fit within the vein." Thus, it is clear from this that any adjustments to the arc size would result in an ablation catheter 82 that does not fit within the pulmonary vein, itself, but rather only around the ostium of the pulmonary vein. There is simply no disclosure or suggestion in Bowe, that the arc size can be decreased to allow it to fit within the pulmonary vein.

Thus, Applicant submits that claims 1, 7, 8, 14, 15, 20, 27, 28, 30-32, 35-38, 42-44, and 54 are not anticipated by Bowe, and as such, respectfully request withdrawal of the §102 rejection of these claims.

Allowable Subject Matter

While Applicant graciously acknowledges the Examiner's indication that claim 9, 11, 12, 50-53, and 55-59 recite patentable subject matter, these claims have not been rewritten in independent format, since it is believe that independent claims 1, 8, 27, and 37 from they depend are patentable over the prior art.

Applicant graciously acknowledges the Examiner's indication that claims 21-26 and 47-49 recite patentable subject matter. These claims have been amended to overcome the §112 rejections, and therefore, it is believed that they are now allowable.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

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